



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

BAIL APPLICATION NO. 96 OF 2026

1. RANI DIPAK POKALE
2. SHOBHABAI AMBADAS POKALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Applicant : Mr. Avinash N. Barhate Patil
APP for Respondents : Ms. P. V. Diggikar
...

CORAM : SACHIN S. DESHMUKH, J.

DATE : 10-02-2026

PER COURT:-

1. The applicants seek regular bail in connection with Crime No.I-454 of 2025 dated 15.12.2025 registered with Rahata Police Station, Taluka Rahata, District Ahilyanagar, for the offences punishable under Sections 137(2), 140(2), 61(2), 351(2), 493(5), 103(1), 238 of the *Bharatiya Nyaya Sanhita, 2023*. In the said crime, the applicant was arrested on 21.12.2025. After completion of the investigation, the chargesheet has been filed.

2. The prosecution case is that the informant filed missing report against unknown person. During investigation, the informant alleged that the applicant with other two co-accused kidnapped the husband of the informant. The accused also threatened to the informant and assaulted her husband. On 06.01.2026, accused No.2 and 7 allegedly made confession that

they had killed the deceased brutally and disposed the body of the deceased. Hence, the report is lodged.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in a case based purely on suspicion without any cogent evidence. It is contended that the names of the applicants were notably absent from the initial missing report filed on 11.12.2025, and even in the subsequent FIR lodged on 15.12.2025, there were no specific allegations regarding the kidnapping of the informant's husband. There is an unexplained delay in lodging the report and, since no recoveries are effected made at the instance of the applicants and they have no prior criminal antecedents, further incarceration is entirely unwarranted. Accordingly, prayed that the application be allowed.

4. Learned A.P.P. vehemently opposes the application, contending that the nature of the offence is grave and serious. It is submitted that the applicants, were involved in the kidnapping, with the complaint specifically detailing the individual role played by Applicant No. 1. Furthermore, the A.P.P. expressed an apprehension that the applicants may abscond if enlarged on bail; therefore, it is prayed that the application be rejected.

5. Upon considering the submissions and perusing the material on record, including the statement of the victim, it indicates that the case primarily rests on circumstantial evidence and the

memorandum statements of co-accused. While the prosecution alleges a conspiracy, the initial missing person report was filed against unknown persons, and the specific names of the applicants surfaced only during a subsequent stage of the investigation. Given that no recovery has been made directly from these applicants and the allegations regarding their specific roles remain a matter of trial, the evidentiary value of the statements recorded thus does not warrant their continued detention at this stage.

6. Furthermore, it is significant to note that the applicants are women. Under the proviso to Section 480 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), the legislature has carved out a special consideration for women, children, and the sick or infirm, allowing for bail. This statutory benevolence is intended to address the unique social and personal circumstances of female Accused.

7. Since the investigation is now complete and the charge sheet has been filed, the further incarceration of the applicants is no longer necessary. Considering the number of witnesses cited by the prosecution, the trial is unlikely to conclude in the near future, and prolonged pre-trial detention would amount to punitive action. The apprehensions expressed by the Learned A.P.P. regarding the risk of the applicants absconding or tampering with evidence can be effectively mitigated by imposing stringent conditions upon their release.

8. Hence, the following order:-

ORDER

- (i) The bail application is allowed.
- (ii) Applicants No. (1) Rani Dipak Pokale and (2) Shobhabai Ambadas Pokale, be released on bail on furnishing P.B. and S.B. of Rs.50,000/- (Rupees Fifty Thousand only) each, with one solvent surety of the like amount in Crime No.I-454 of 2025 dated 15.12.2025 registered with Rahata Police Station, Taluka Rahata, District Ahilyanagar, for the offences punishable under Sections 137(2), 140(2), 61(2), 351(2), 493(5), 103(1), 238 of the *Bharatiya Nyaya Sanhita, 2023* , on the conditions that;
 - (a) The applicants shall not pressurize the prosecution witnesses and shall not tamper with the prosecution evidence, in any manner.
 - (b) The applicants shall attend the trial on each and every date unless exempted by the trial Court.
 - (c) The applicants shall submit their Aadhar and Pan Cards to the Investigation Officer and detailed addresses and phone numbers of applicants and two of the near relatives.
 - (d) The applicants shall attend the police station as and when called by the Investigating Officer on written notice.
 - (e) In case of breach of any of the conditions by the applicants, it is open for the Prosecution to move this Court seeking cancellation of bail.
- (iii) Needless to state that the observations rendered herein are to the extent of this application and the trial court shall not be influenced by the same.

[SACHIN S. DESHMUKH, J.]